

Message Text

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ACTION STR-07

INFO OCT-01 STRE-00 ISO-00 AF-10 ARA-10 EA-10 EUR-12
NEA-11 IO-13 OIC-02 AGRE-00 CEA-01 CIAE-00
COME-00 DODE-00 EB-08 FRB-03 H-01 INR-10 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05
SS-15 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02 OMB-01
DOE-15 JUSE-00 /169 W
-----026908 051531Z /46

P 051450Z MAY 78
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 9244
INFO AMEMBASSY BRUSSELS
AMEMBASSY BRASILIA
AMEMBASSY TOKYO

LIMITED OFFICIAL USE SECTION 01 OF 02 GENEVA 06841

USMTN USEEC

ACTION STR FOR GREENWALD, FEKETEKUTY, FLAIG

STR PASS CODEL

E.O. 11652
TAGS: ETRD, MTN
SUBJECT: FRAMEWORK - "3 PLUS 3" SESSION ON EXPORT CONTROLS
AND RECIPROCITY, MAY 2, 1978

REF: (A) GENEVA 6494: (B) GENEVA 6535 (NOTAL)

1. SUMMARY. RESTRICTED DC-LDC STOCK-TAKING SESSION ON
FRAMEWORK TOPICS RESUMED MAY 2 WITH DISCUSSION OF EXPORT
CONTROLS AND RECIPROCITY. MTN DEL DRAFT "UNDERSTANDING"
ON EXPORT CONTROLS ENDORSED BY DCS WHILE LDCS (WITH
EXTREME CAUTION) HEDGED. MORE COMPELLING NON-RECIPROCITY
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STANDARD PROPOSED BY LDCS ENCOUNTERED "SHOW ME" ATTITUDE
ON PART OF DCS. NEXT SESSION MAY 5 ON DISPUTE MANAGEMENT.
END SUMMARY.

2. GATT DG LONG RECONVENED "3 PLUS 3 GROUP" MAY 2 TO
DISCUSS FRAMEWORK TOPIC V (EXPORT CONTROLS) AND HELD-
OVER PORTION OF TOPIC IV (RECIPROCITY); PRESENT WERE

SAME ATTENDEES AS AT APRIL 26 SESSION (REF. A). U.S. (HARTZELL) OPENED WITH INTRODUCTION OF MTN DEL DRAFT EXPORT CONTROLS "UNDERSTANDING" (SEE REF. B) AS INFORMAL PAPER INTENDED TO PROMOTE SERIOUS WORK ON SUBJECT AND REFLECTING CURRENT WASHINGTON THINKING, BUT NOT INTENDED FOR FORMAL DISTRIBUTION AS U.S. PROPOSAL. U.S. INTENTION IS TO DEVELOP TEXT THAT WOULD BE "NOT QUITE A LEGAL DOCUMENT, BUT CLEARLY A COMMITMENT ON HOW COUNTRIES WOULD BE EXPECTED TO BEHAVE" WHEN APPLYING CONTROLS ON EXPORTS. EC (LUYTEN) AND JAPAN (UKAWA) ENDORSED GENERAL APPROACH TAKEN BY U.S. AS WORKING BASIS; BRAZIL (AMB. MACIEL), INDIA (KUMAR) AND YUGOSLAVIA (TOMIC) SAID IN EFFECT THAT IF THERE WERE TO BE SUCH AN UNDERSTANDING IT SHOULD HAVE SPECIAL PROVISIONS TO ASSURE LDCS UNFETTERED FREEDOM OF ACTION IN CONTROLLING THEIR EXPORTS. LDCS WOULD NOT COMMIT THEMSELVES ON ACCEPTABILITY OF DRAFT AS WORKING BASIS--ALTHOUGH BRAZIL DID SAY IT WAS "WELL CONCEIVED."

3. COMMENT: AS REPORTED PREVIOUSLY (REF. B AND GENEVA 6019), RECENT INFORMAL DISCUSSIONS WITH INTERESTED DCS HAD PRODUCED BASIC SUPPORT FOR U.S. APPROACH ON EXPORT CONTROLS AND AGREEMENT ON EXPANDING CIRCLE OF DISCUSSION TO INCLUDE KEY LDCS AND, EVENTUALLY, CANADA AND AUSTRALIA. CIRCULATION OF OUR DRAFT TO "3 PLUS 3" PARTICIPANTS ON INFORMAL-BUT-CONFIDENTIAL BASIS APRIL 26 LIMITED OFFICIAL USE

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WAS FOLLOWED WITHIN 48 HOURS BY CANADIAN REQUEST FOR A COPY. WHILE WE DID OBLIGE CANADA, WE BELIEVE THIS DEVELOPMENT CASTS DOUBT ON UTILITY OF "3 PLUS 3" MODE OF WORK (SEE PARAGRAPH 6 BELOW) AND MEANS THAT FUTURE DISCUSSIONS ON EXPORT CONTROLS "UNDERSTANDING" MUST NOW INCLUDE PRESUMABLY-OBSTRUCTIONIST CANADA AND AUSTRALIA, AS WELL AS EVEN LARGER GROUP OF LDCS. END COMMENT.

4. DISCUSSION ON RECIPROCITY WAS SOMETIMES HEATED BUT FELL SHORT ON ILLUMINATION. BRAZIL, BACKED BY INDIA AND YUGOSLAVIA, SOUGHT ENDORSEMENT OF "RELATIVE RECIPROCITY" FORMULATION IN BRAZILIAN PROPOSAL (MTN/INF/16). EC PRESSED FOR EXPLANATION--"WHAT'S WRONG WITH EXISTING PROVISIONS IN GATT PART IV?" I.E., ART. XXXVI:8 PLUS INTERPRETATIVE NOTE--AND WAS TOLD LDCS WOULD FEEL "MORE SECURE" ENGAGING IN FUTURE NEGOTIATIONS WITH DCS BY HAVING "MORE IMPERATIVE" NON-RECIPROCITY CRITERIA ON THEIR SIDE. DISCUSSION ENDED INCONCLUSIVELY.

5. PARTICIPANTS AGREED TO RECONVENE MAY 5 FOR DISCUSSION OF FRAMEWORK TOPIC III (DISPUTE MANAGEMENT) ALTHOUGH, AT

EC'S REQUEST, EXPLICIT LINKAGE TO FRAMEWORK GROUP WILL BE AVOIDED. (FYI. EC HAS NOW CIRCULATED TO DCS AND A NUMBER OF LDCS A REVISION OF ITS DRAFT DISPUTE-MANAGEMENT "UNDERSTANDING"; COPY OF REVISED EC TEXT BEING HAND-CARRIED TO STR (GREENWALD) MAY 4 BY HARTZELL. END FYI.)

6. AT NEXT SESSION GROUP WILL ALSO CONSIDER QUESTION OF "WHERE WE GO FROM HERE," IN PARTICULAR THE FUTURE OF 3-PLUS-3 MODE. GIVEN OBVIOUS LACK OF CONFIDENTIALITY (PARA. 3 ABOVE), U.S. EXPRESSED DOUBT THAT CONTINUING GROUP WOULD HOLD ANY ADVANTAGES OVER, SAY, THE 7-PLUS-7 --AND WOULD MOREOVER RISK COMPLAINTS ABOUT ITS "EXCLUSIVENESS."

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7. COMMENT: NOTWITHSTANDING ANY OF THE ABOVE CONSIDERATIONS, DG LONG APPARENTLY REMAINS CONVINCED NOTHING HAS HAPPENED OR WILL HAPPEN IN FRAMEWORK, ABSENT HIS GUIDING HAND. EVEN IF THE "3 PLUS 3" SHOULD SELF-DESTRUCT, THEREFORE, WE CAN EXPECT LONG TO MAKE FURTHER EFFORTS TO PRY FRAMEWORK DISCUSSIONS OUT OF THE INFORMAL --BUT FREQUENTLY PRODUCTIVE--SETTING IN WHICH THEY HAVE EVOLVED OVER THE PAST SEVERAL MONTHS. END COMMENT.

8. DRAFTED BY MARK. MCDONALD

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